

LOCAL PLANNING AGENCY/PLANNING AND ZONING BOARD MINUTES

The Brevard County Local Planning Agency/Planning & Zoning Board met in regular session on Monday, August 24, 2020, at 3:00 p.m., in the Commission Room, Building C, Brevard County Government Center, 2725 Judge Fran Jamieson Way, Viera, Florida.

The meeting was called to order by Chair Mark Wadsworth, at 3:00 p.m.

Board members present were: Ron Bartcher; Brian Woltz; Brian Hodgers; Harry Carswell; Mark Wadsworth, Chair; Peter Filiberto, Vice Chair; Bruce Moia; and Joe Buchanan. Bruce Moia's presence was noted at 3:11 p.m.

Staff members present were: Jeffrey Ball, Planning and Zoning Manager; Abigail Jorandby, Assistant County Attorney; and Jennifer Jones, Special Projects Coordinator.

Approval of July 20, 2020, Minutes

Motion by Peter Filiberto, seconded by Joe Buchanan, to approve the July 20, 2020, minutes. The motion passed unanimously.

Skyview Plaza (Paige Lane)

A request for CUP (Conditional Use Permit) for Alcoholic Beverages (full liquor) for On-Premises Consumption in conjunction with a bar, in a BU-1 (General Retail Commercial) zoning classification. The property is 3,700 +/- square feet, located on the southwest corner of Ocean Boulevard and Highway A1A (220 Highway A1A, Satellite Beach) (20Z00017) (Tax Account 2607202) (District 4)

Paige Lane, 440 South Waterway Drive, Satellite Beach, stated in 1998 he had a liquor license in Unit 220, and through a clerical error at that time, it was only approved for beer and wine. The license was in continual use until last year when the bar was sold by the new owner, and now he represents the shopping center as a realtor, and there is a tenant who would like to continue using the space as a full liquor bar. He stated during the process of applying for a new liquor license in that unit it has been discovered that the use is still considered beer and wine only because of the error in 1998 and again in 2016. He said the unit has been historically used as a full liquor bar, and the new tenant would like to continue that operation.

Joe Buchanan stated he visited the site, and the property offers a vegetative roadway buffer behind the plaza, and across Flamingo Road, some of the residents have wooden fences that provide additional buffering. He asked about the expansion of outdoor seating.

Mr. Lane replied he is not asking for outdoor seating, he is only asking for the same footprint as the previous bar. He said if the tenants want to expand the footprint, that would be another request and would have to come back to the board.

Mr. Buchanan stated the outdoor area is approximately 300 square feet, so 15 – 17 people would be the maximum. Mr. Lane stated for the purpose of the request today, he is not asking for any outdoor seating. The previous owner set up an area outside where people could smoke, but there are no liquor sales in that area; the new tenant will keep it as a smoking area.

Mr. Buchanan asked if the outdoor seating would be included in the total seating for the inside and outside. Jeffrey Ball replied the application indicates there is a request for an outdoor seating area of approximately 200 square feet to the rear of the property.

Mr. Lane stated the previous owner might have expanded the footprint; he included all of the areas on the drawings he provided for the application, so the drawing may include the back area for smoking, but there is no bar in that area.

Mr. Buchanan stated the abutting adult entertainment needs to be separated. Mr. Lane stated there is a separation between the two units, and the units are not connected in any way.

Peter Filiberto stated the request appears to be a housekeeping item, and it appears the two businesses are separated.

Motion by Peter Filiberto, seconded by Joe Buchanan, to approve the requested CUP for Alcoholic Beverages (full liquor) for On-Premises Consumption in conjunction with a bar, in a BU-1 zoning classification. The motion passed unanimously. Bruce Moia absent.

Large Scale Comprehensive Plan Amendment 2020-1.1 – Health First, Inc.

An ordinance amending Article III, Chapter 62, of the Code of Ordinances of Brevard County, Florida, entitle The Comprehensive Plan, setting forth the transmittal of Large Scale Plan Amendment 2020-1.1; amending Section 62-501, entitled Contents of the Plan; specifically amending Section 62-501 as described below; and provisions which require amendments to maintain internal consistency with this amendment; providing legal status; providing a severability clause; and providing an effective date. A proposal initiated by Health First, Inc. to amend Part XI, the Future Land Use Element, to amend Policy 2.8 D., to increase the allowable building square footage countywide within a PUD (Planned Unit Development), Policy 2.8 E., to permit a countywide increase FAR (Floor Area Ratio) for CC (Community Commercial) designated sites from 1.00 to 1.75 within a PUD zoning classification; and Policy 2.8 Table 2.2, to update the table to the FAR increase from 1.00 to 1.75 within a PUD zoning classification.

Kim Rezanka, Cantwell & Goldman, stated she represents Health First, Inc., which is building a medical wellness village in Merritt Island. She stated as Health First was developing the site on State Road 520 and Merritt Avenue, they discovered there are limitations as to what they can build based on the Comprehensive Plan. She said the Floor Area Ratio (FAR) and limitation of square footage has been in the comp plan for a very long time. She stated Health First realized they need more FAR than the comp plan allows. She said other municipalities in Brevard County allow much higher FAR; Titusville has a 5.00 FAR in the downtown area; Cocoa Beach has a FAR of 3.00 in the redevelopment district; Cocoa has a FAR of 2.5 in the central business district, and a 2.00 in the redevelopment area; commercial use in Palm Bay is 2.5; industrial in Palm Bay is 5.00 FAR; and Melbourne has a FAR in the redevelopment district of 2.00, 3.00, and 6.00. She said the request from Health First from 1.00 to 1.75 is not a large increase. She said the County could be losing out on redevelopment projects because the FAR is low, and there are also properties near the Health First site that could benefit from an increased FAR, as well as other areas in the County. She stated there are two changes to the Comprehensive Plan being requested; Policy 2.8 D., that the gross floor area of Community Commercial complexes shall not exceed 400,000 square feet unless in a PUD zoning classification, and subsection E, where the FAR will be increased from 1.00 up to 1.75, but only in Community Commercial Future Land Use and the PUD zoning classification.

No public comment.

Peter Filiberto asked why make a change to the Comprehensive Plan when the board could make a change to the site plan. Ms. Rezanka replied the comp plan cannot be waived, so it has to be changed in the comp plan and then a waiver in the PUD process will need to be obtained.

Bruce Moia stated he would be in favor of going higher than 1.75 given the proposed location of the wellness village.

Motion by Joe Buchanan, seconded by Peter Filiberto, to approve the proposal by Health First, Inc. to amend Part XI, the Future Land Use Element, to amend Policy 2.8 D., to increase the allowable building square footage countywide within a PUD, Policy 2.8 E., to permit a countywide increase FAR for CC designated sites from 1.00 to 1.75 within a PUD zoning classification; and Policy 2.8 Table 2.2, to update the table to the FAR increase from 1.00 to 1.75 within a PUD zoning classification. The motion passed unanimously.

An ordinance allowing Administrative Approval of on-premises consumption of alcoholic beverages for restaurants / snack bars.

Jeffrey Ball stated the Board of County Commissioners directed staff to streamline the process for on-premises consumption of alcoholic beverages. He said there is an anticipated time savings of two months, whereas a CUP would take about three months. Staff would review an application for on-premises consumption of alcohol within 30 days, and will have a cost savings to the applicants as well; a CUP is \$849, and the Administrative Approval process would be \$277. He stated there are two formative changes being made; one change is to Section 62-1102, which adds definitions for restaurants and an eating and drinking establishment, tying the restaurant part to 51% of the gross sales attributed to food sales and non-alcoholic beverage sales. The other substantial change is the process where staff would review the code changes administratively, so the process would change from bringing the applications to the board, to an administrative process, but all of the requirements that would be required for a CUP would be reviewed by staff.

No public comment.

Bruce Moia stated the BCAC heard the ordinance and agreed it is lessening the burden on the applicant and making it less expensive for them to ask for things that are almost automatic when they come to the board.

Motion by Joe Buchanan, seconded by Bruce Moia, to approve an ordinance allowing Administrative Approval of on-premises consumption of alcoholic beverages for restaurants / snack bars. The motion passed unanimously.

Adjournment:

Upon consensus of the board, the meeting adjourned at 3:27 p.m.